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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/913,615	DORFNER, TOBIAS	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites: Video communication device for the presentation optimized transmission … according to claim 1 as well as in parameter for the performance of the video communication method according to claim 24 characterized in that the device includes: -video input means ...

The above claim depends on claim 1 and further depends on claim 24. It is not clear what applicant's claiming.

Claim 39 recites: the use of video communication device according to claim 1, the video communication system according to claim 23 and video communication method according to claim 24 for especially image optimized transmission of video and audio data in image telephoning, video conference or computer networks.

The above claim depends on claim 1 and further depends on claim 23 and 24. It is not clear what applicant is claiming.

Claim 25 has also similar problem as the above claims.

3. The abstract of the disclosure is objected to because
The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist

readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 6-7, 13-15, 16-18, 21, 22-23 and 24-25, 26, 28, 34, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (JP09-200714) in view of Barraclough (US PAT: 6,163,335).

Regarding claim 1, Yamaguchi discloses a video communication device (Drawings: 1-2) having user image input means (4, Drawing 1) for input of current user image data, image data editing means (reads on CPU 1, Drawing 1) for generation of edited user image data out of current user image data, and image data output means (8, Drawing 2) for output of image data to at least to one further communication participant in that there are further provided identification means (reads on destination telephone number used for communication with other partner) for identifying at least one communication participant and an editing selection control (reads on mode change over switch MOD, Paragraph: 0006) coupled to identification means triggers output of unedited or edited user image data by means of the image data output means, given the case, pre-connecting the image data editing means (paragraphs: 0005-0015; abstract).

Regarding claim 24, Yamaguchi discloses a video communication method, wherein at least one communication participant is identified by means of identification means (reads on

telephone number used to set up call to the communication partner), current user image data are input into user image data input means (4, Drawing 1), an editing selection control (reads on mode change over switch MOD, Paragraph: 0006) leads or does not lead to current user image data to user image data editing means, the image data editing means (reads on CPU 1, Drawing 1), on receiving the current image data, generate thereof or therefor edited user image data, and finally unedited current or, if existing, edited user image data are outputted by means if image output means (8, Drawing 2; paragraphs: 0005-0015; abstract).

Yamaguchi differs from claimed invention in that although he teaches setting mode to send edited video or unedited video (abstract), he does not specifically teach: sending edited or unedited image data based on identification of communication participant.

However, Barraclough discloses multi-mode videoconferencing arrangement which teaches the following: setting up video conference to send image information or setting up connection for transmitting non-video information such as voice based on identification of communication participant (abstract; col. 5 lines 8-28).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify Yamaguchi's system to provide for the following: sending edited or unedited image data based on identification of communication participant as this arrangement would provide means for automatically determining type of information to be sent to the communication partner, thus relieving the user of manually setting up this.

Yamaguchi differs from claims 2-4, in that he does not specifically teach: identification means are designed to identify the user and at least one further contacting or communication participant, participant selection data memory means for saving participant selection data and

participant identification input means for the input of communication participant identification respectively of the user and/or at least further contacting or contacted communication participant are assigned to the identification means, and that the identification means are designed to achieve an identification result for the user and/or at least one further contacting or contacted communication participant by comparing saved participant selection data to current communication participant identifications, participant selection data memory means include user selection data memory means for saving of user selection data at least one possible user, and/or partner selection data memory means for saving of communication partner selection data of at least one possible communication partner.

However, Barraclough teaches the following: identification means is are designed to identify the user and at least one further contacting or communication participant, participant selection data memory means fo saving participant selection data and participant identification input means for the input of communication participant identification respectively of the user and/or at least further contacting or contacted communication participant are assigned to the identification means, and that the identification means are designed to achieve an identification result for the user and/or at least one further contacting or contacted communication participant by comparing saved participant selection data to current communication participant identifications, participant selection data memory means include user selection data memory means for saving of user selection data at least one possible user, and/or partner selection data memory means for saving of communication partner selection data of at least one possible communication partner (col. 5 lines 8-28).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify Yamaguchi's system to provide for the following: identification means is are designed to identify the user and at least one further contacting or communication participant, participant selection data memory means fo saving participant selection data and participant identification input means for the input of communication participant identification respectively of the user and/or at least further contacting or contacted communication participant are assigned to the identification means, and that the identification means are designed to achieve an identification result for the user and/or at least one further contacting or contacted communication participant by comparing saved participant selection data to current communication participant identifications, participant selection data memory means include user selection data memory means for saving of user selection data at least one possible user, and/or partner selection data memory means for saving of communication partner selection data of at least one possible communication partner participant as this arrangement would provide means for automatically determining type of information to be sent to the communication partner, thus relieving the user of manually setting up this.

Claim 25 is rejected on the same basis as claim 2.

Regarding claim 6, although Yamaguchi teaches the following: editing selection control (reads on MOD changeover switch) is designed to prevent or to initiate in accordance with a pre-given or presentable editing mode (reads on image processing mode) or one out of a plurality of pre-given or presentable editing mode, an editing of current user image data by means of image data editing means (reads on CPU1, paragraphs: 0005-0010) , he does not teach: editing image in dependence of the identification result of the identification means.

However, Barraclough teaches the following: setting up video conference to send image information or setting up connection for transmitting non-video information such as voice based on identification of communication participant (abstract; col. 5 lines 8-28).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify Yamaguchi's system to provide for the following: editing image in dependence of the identification result of the identification means as this arrangement would provide means for automatically determining type of information to be sent to the communication partner, thus relieving the user of manually setting up this.

Regarding claim 7, Yamaguchi further teaches the following: pre-given image data memory (2, Drawing 1) means are provided for saving of pre-given image data (such as background data), and image data editing means (CPU1, Drawing 1) are designed for editing of current user image data by means of and/or on the basis of pre-given image data to create user image data (paragraph: 0019; abstract).

Regarding claims 13-15, Yamaguchi further teaches the following: user image input means (4, Drawing 1) generate chronologically successively plurality of current user images (reads on camera taking pictures of a user) each of which are edited individually one after the other and/or according to presentable rules (based on image processing mode) by means of image editing means (CPU1, Drawing 1), image data editing means are designed to successively dynamically perform the separation of background image data and/or people image data as well as, given the case, body image data and head image data and given, their replacement by means of corresponding pre-given image (for example background image) from the respective image data memory means for single user images, user image input means includes at least one camera

(4, Drawing 1) and that the image data output means (8, Drawing 2) include at least one interface (5, Drawing 1) to a telecommunication network (paragraphs: 0005-0012; 0016; 0019).

Regarding claims 16-18, 21, Yamaguchi further teaches the following: sound input means (9, Drawing 1) for input of current user sound, sound data editing means (CPU 1, Drawing 1) for creation of edited user sound data from the current user sound data, sound data output means (9, Drawing 1) for output of user sound data to at least one further communication partner are provided, editing selection control is designed to generate an output of unedited current or edited user sound data by means of the sound data output means in dependence of identification means, pre-given sound data memory means for saving of pre-given sound data are provided , and sound data editing means are designed for editing current user sound data by means and/or the basis of pre-given sound data to create user sound data user sound data input means (9, Drawing 1) includes at least one microphone, and that the sound data output means include at least one interface (5, Drawing 1) to a communication network (paragraph: 0013).

Regarding claim 19, Yamaguchi teaches: means of sound editing means (CPU 1, Drawing 1) a cosmetic and/or technical sound optimization of user sound data, or independently of a identification result and/or, given the case, before and/or after an editing of current user sound data by means of a pre-given sound data from the pre-given sound data memory means can be performed on the basis of editing algorithms (paragraph: 0013).

Regarding claim 20, Yamaguchi teaches sound data editing means (CPU 1) pre-given by the user individually or group wise are assigned to identification results (such as called party telephone numbers) of the identification means (CPU1, paragraph: 0013).

Regarding claims 26, 28, Yamaguchi teaches the following: image data or image and sound data especially in case image telephoning are transformed in an presentation optimized way wherein image data or, given the case, sound data deriving from a video source and, given the case, an audio source, respectively, are changed before their transmission to a communication partner on the basis of pre-given image data or given the case, pre-given sound data, respectively, corresponding to at least one predetermined or pre-determinable criteria, by the following steps: before starting communication a) pre-given image data is created and saved, and b) parameters referring to the image data are defined, saved and assigned to the pre-given image (Drawing 5) data saved in step a), and during a communication, c) user image data, deriving from user image data input means, especially a video source, with regard to one or several chosen or choseable image data parameters are extracted by means of parameters defined and saved in step b) (paragraph: 0010), d) the user image data of step c) based on the chosen image data parameters are edited on the basis of assigned pre-given image data, and the user image data edited in step d) are transmitted to one or several partners, the steps of a) to e) are performed at a users location (paragraphs: 0009 -0016).

Regarding claims 22-23, Yamaguchi further teaches the following: identification means (reads on CPU1 recognizing telephone number of communication partner to set up the call for communication) includes at least one interface (5, Drawing 1) to a telecommunication network, communication device shown in Drawing 1 connected to telecommunication network (see Drawing 1).

Regarding claims 37-39, Yamaguchi further teaches the following: video communication device (Drawing 1) includes: video input (4, Drawing 1) and output (8, Drawing 1) means,

audio input and output means (9, Drawing 1), sending and receiving means (5, Drawing 1), an interface (5) to at least one communication channel (drawing 1), an input device (3, drawing 1/ MOD mode changeover switch) for input of control and command signals, memory means (2, Drawing 1) for the saving of user and system programs as well as image data and pre-given sound data, wherein the above mentioned means, equipment and components are in functional connection with a processor unit (CPU1, Drawing 1) which is designed to perform the method steps in interaction with means and components mentioned, has an interface (5, Drawing 1) being in connection with the processor unit for connection with a superior administration unit and/or superior memory medium for example with a personal computer (reads on communication infrastructure for facilitating communications between communication partners), video communication device for image optimized transmission of video and/or audio data in image telephoning, video conference or computer networks (paragraphs: 0005-0011).

Regarding claim 34, Yamaguchi further teaches the following: user image data to be processed or to be edited and analyzed, the pre-given image data as well as the edited user image data include motion images , two dimensional images and three dimensional images (reads on camera images taken by camera 4, Drawing 1, paragraph: 0019).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Barraclough as applied to claim 3 above, and further in view of Sugimoto et al (US PAT: 4,795,894, hereinafter Sugimoto) and Henry (US PAT: 5,318,340).

The combination differs from claim 5 in that although it teaches: participant identification input means for the input of current communication participant identifications, especially of user selection data and/or communication partner selection data, including manual selection, electrical

signal input means , the manual selection means includes a key board, menu control keys, menu control levers, menu control pointing instruments and means for the input of communication participant identifications, electrical signal input means are designed for the reception of electrical signals for input of a communication participant identifications by the user or a communication participant (col. 5 lines 8-28 of '335), it does not teach: optical signal input means are designed for the reception of optical signals for the input of communication participant identification by the user or by a communication participant, and/or the acoustic signal input means are designed for the reception of acoustic signals for the input of communication participant identification by the user or by a communication participant.

However, Sugimoto teaches the following: optical signal input means are designed for the reception of optical signals for the input of communication participant identification by the user or by a communication participant (col. 2 lines 5-19), and Henry teaches the following: the acoustic signal input means are designed for the reception of acoustic signals for the input of communication participant identification by the user or by a communication participant (col. 2 lines 17-20).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify the combination to provide for the following: optical signal input means are designed for the reception of optical signals for the input of communication participant identification by the user or by a communication participant, and/or the acoustic signal input means are designed for the reception of acoustic signals for the input of communication participant identification by the user or by a communication participant as this arrangement

would provide other well known technologies for using identification purposes as taught by the above references.

7. Claims 8-12, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Barraclough as applied to claim 7 above, and further in view of Myers (WO99/57900, provisional application 60/084,001, 3 May 1998).

The combination differs from claims 8-12 in that it does not specifically teach: pre-given image data memory means include pre-given background image data memory means and/or pre-given people image data memory means, and image data editing means are designed for the separation of current user image data at least in background image data, and for replacement of the background image data completely or partly with corresponding pre-given image data or pre-given people image data, or for creation of edited background image data and/or people image data on the basis of corresponding pre-given background image data or pre-given people image data from the corresponding memory means, pre-given image data memory means or pre-given people image data memory means include body image data memory means and/or head image data memory means, and that the image data editing means are designed for the separation of the people image data into body image data and head image data and replacement of body image and/or head image data completely or partly with corresponding pre-given body image data or pre-given head image data or for the creation of edited body image data and/or head image data on the basis of corresponding pre-given body image data or pre-given head image data from the respective memory means, pre-given image data memory means, pre-given background image data memory means and/or pre-given people image memory means or given the case, body image data memory means and/or head image data memory means, a plurality of pre-given

background image data and/or pre-given people image data, or given the case, pre-given body image data and/or pre-given head image data or a plurality of corresponding sets or subsets or components thereof can be saved or are saved which can be assigned to different editing modi of image data editing means, image data editing means are designed to edit the separated current image data separately from each other and at least essentially simultaneously, and to put them together again afterwards for the generation of edited user image data.

Hpwever, Myers discloses videophone with enhanced user defined imaging system which teaches the following: pre-given image data memory means include pre-given background image data memory means and/or pre-given people image data memory means, and image data editing means are designed for the separation of current user image data at least in background image data, and for replacement of the background image data completely or partly with corresponding pre-given image data or pre-given people image data, or for creation of edited background image data and/or people image data on the basis of corresponding pre-given background image data or pre-given people image data from the corresponding memory means, pre-given image data memory means or pre-given people image data memory means include body image data memory means and/or head image data memory means, and that the image data editing means are designed for the separation of the people image data into body image data and head image data and replacement of body image and/or head image data completely or partly with corresponding pre-given body image data or pre-given head image data or for the creation of edited body image data and/or head image data on the basis of corresponding pre-given body image data or pre-given haed image data from the respective memory means, pre-given image data memory means, pre0given background image data memory means and/or pre-given people image memory means

or given the case, body image data memory means and/or head image data memory means, a plurality of pre-given background image data and/or pre-given people image data, or given the case, pre-given body image data and/or pre-given head image data or a plurality of corresponding sets or subsets or components thereof can be saved or are saved which can be assigned to different editing modi of image data editing means, image data editing means are designed to edit the separated current image data separately from each other and at least essentially simultaneously, and to put them together again afterwards for the generation of edited user image data (figs. 1-4, page 10 line 19-page 12, line 30; page 13, line 21- page 16, line 16; page 19, line 10 – page 21, line 34).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify the combination to provide for the following: pre-given image data memory means include pre-given background image data memory means and/or pre-given people image data memory means, and image data editing means are designed for the separation of current user image data at least in background image data, and for replacement of the background image data completely or partly with corresponding pre-given image data or pre-given people image data, or for creation of edited background image data and/or people image data on the basis of corresponding pre-given background image data or pre-given people image data from the corresponding memory means, pre-given image data memory means or pre-given people image data memory means include body image data memory means and/or head image data memory means, and that the image data editing means are designed for the separation of the people image data into body image data and head image data and replacement of body image and/or head image data completely or partly with corresponding pregiven body image data or pre-given head

image data or for the creation of edited body image data and/or head image data on the basis of corresponding pre-given body image data or pre-given haed image data from the respective memory means, pre-given image data memory means, pre0given background image data memory means and/or pre-given people image memory means or given the case, body image data memory means and/or head image data memory means, a plurality of pre-given background image data and/or pre-given people image data, or given the case, pre-given body image data and/or pre-given head image data or a plurality of corresponding sets or subsets or components thereof can be saved or are saved which can be assigned to different editing modi of image data editing means, image data editing means are designed to edit the separated current image data separately from each other and at least essentially simultaneously, and to put them together again afterwards for the generation of edited user image data as this arrangement would facilitate to provide user defined presentation of images in video telephone to suite his circumstances and needs as taught by Mayer.

The combination differs from claim 12 in that although it teaches setting up video conference to send image information or setting up connection for transmitting non-video information such as voice based on identification of communication participant (abstract; col. 5 lines 8-28 of '335), it does not teach: using body image data and/or head image data can be entirely or partly performed by corresponding pre-given image data from respective pre-given image data memory means on the basis of editing algorithms.

However, Mayers teaches the following: using body image data and/or head image data can be entirely or partly performed by corresponding pre-given image data from respective pre-

given image data memory means on the basis of editing algorithms (figs. 1-4, abstract; page 10, line 19 – page 12, line 10; page 13, line 32- page 15, line 31).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify the combination to provide for the following: using body image data and/or head image data can be entirely or partly performed by corresponding pre-given image data from respective pre-given image data memory means on the basis of editing algorithms as this arrangement would facilitate to provide user defined presentation of images in video telephone to suite his circumstances and needs as taught by Mayer.

The combination differs from claim 27 in that it does not teach steps d) and e) are performed at a central location which is remote from the user, wherein the image data, the assigned pre-given image data and image data parameters are transmitted from the users location to the central location.

However, Myers teaches the following: steps d) and e) are performed at a central location which is remote from the user, wherein the image data, the assigned pre-given image data and image data parameters are transmitted from the users location to the central location (figs. 3A-3B; page 38 lines 4-27; page 40, line 6 - page 41, line 9).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify the combination to provide for the following: steps d) and e) are performed at a central location which is remote from the user, wherein the image data, the assigned pre-given image data and image data parameters are transmitted from the users location to the central location as this arrangement would facilitate to maintain at a central location required facilities to

manipulate images by using library of information at a central location as taught by Mayers, thus making it economical to use the system.

8. Claims 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Barraclough as applied to claim 26 above, and further in view of Ginter et al. (US PAT: 5,917,912, hereinafter Ginter).

The combination differs from claims 29-33 in that although it teaches using identification for choosing course of action such as setting up video conference or audio conference (col. 5 lines 8-29 of '335), it does not specifically teach step f) is in which voice samples of authorized users, saved before hand are compared to a spoken code phrase of a current user, and in a positive result of comparison a release of communication for this user is performed, saved voice samples is additionally assigned to pre-given image data which belong to a user or are chosen as belonging to him, and the user is identified by on the basis saved voce and the relating pre-given image data, voice analysis of the spoken code phrase and image analysis of the user image data deriving from user image data input means, especially video source, are performed, image analysis characteristic facial features are compared to relating or chosen pre-given image data, performance of step c) the user is identified as authorized to use saved pre-given image data for the audio visual communication.

However, Ginter discloses authorization using voice analysis and image analysis such as retinal information for identification purposes to obtain access to resources (col. 235 lines 46-55).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify the combination to provide for the following: step f) is in which voice samples

of authorized users, saved before hand are compared to a spoken code phrase of a current user, and in a positive result of comparison a release of communication for this user is performed, saved voice samples is additionally assigned to pregiven image data wgich belong to a user or are chosen as belonging to him, and the user is identified by on the basis saved voce and the relating pre-given image data, voice analysis of the spoken code phrase and image analysis of the user image data deriving from user image data input means, especially video source, are performed, image analysis characteristic facial features are compared to relating or chosen pre-given image data, performance of step c) the user is identified as authorized to use saved pre-given image data for the audio visual communication as this arrangement would provide another well known technique for identifying authorized users for using resources as taught by Ginter.

9. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Barraclough as applied to claim 24 above, and further in view of Mikami et al. (US PAT: 5,953,048, hereinafter Mikami).

The combination differs from claims 35-36 in that it does not specifically teach: the user image to be transmitted are shown to the user before transmission, display includes an interactive user interface which also displays the choseable and/or chosen pre-given image data as a choseble or chosen image data parameters.

However, Mikami discloses video telephone which teaches preview button (30, fig. 1) and menu button (34, fig. 1) and other buttons to facilitate image communication (col. 3 lines 4-17 and figs. 1-3).

Thus, it would have been obvious to one of ordinary skill in the at the time invention was made to modify the combination to provide for the following: the user image to be transmitted

are shown to the user before transmission, display includes an interactive user interface which also displays the choseable and/or chosen pre-given image data as a choseble or chosen image data parameters as this arrangement would provide user friendly interface for videophone communication for helping the user as taught by Mikami.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614